United Nations S/2006/551

Security Council

Distr.: General
21 July 2006

Original: English

Letter dated 20 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Sweden submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-44058 (E) 180806

Annex

Letter dated 14 July 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter of 5 may 2006, I have the honour to convey the information from the Swedish Government regarding Sweden's implementation of the provisions of resolution 1624 (2005) on additional measures to combat terrorism (see enclosure).

(*Signed*) Ulla **Ström**
Ambassador
Charge d'affaires a.i.

Enclosure*

National Report on Implementation of UNSCR 1624

1.1 Swedish legislation concerning incitement to terrorism

Terrorist offences

Since 2003 Swedish law contains a particular act concerned with terrorist offences (Act /2003:148/ on Criminal Responsibility for Terrorist Crimes). The act fulfils the obligations according to the European Council Framework Decision of 13 June 2002 on combating terrorism. For an English translation of the Act, see annex 1.

The act contains a list of certain offences that are punishable under the Penal Code and other legislative acts. These offences shall under certain circumstances be deemed as terrorist offences.

An offence shall be considered a terrorist offence if it may seriously damage a country or an international organization and is committed with the aim of seriously intimidating a population or unduly compelling a government or an international organization to perform or abstain from performing any act. Offences that under these circumstances can be deemed as terrorist offences are, inter alia, murder, kidnapping, sabotage, hijacking, spreading poison or a contagious substance or unlawful handling of chemical weapons. The maximum punishment for a terrorist offence is imprisonment for ten years or for life. Attempt, aiding and abetting, preparation and conspiracy to commit a terrorist offence are also punishable.

Incitement to commit a terrorist offence is primarily punishable under section 4 of the Act together with sections 2 and 4, chapter 23, of the Penal Code. It follows from the above-mentioned provisions that aiding and abetting a terrorist offence and conspiracy to commit such an offence are punishable acts. Punishment for aiding and abetting may be imposed on anyone who furthers the punishable act by advice or

* Annexes are on file with the Secretariat and are available for consultation.

deed. A person who is not regarded as a perpetrator shall, if he induces another to commit the act, be sentenced for instigation of the crime and otherwise for aiding the crime. By conspiracy is meant that someone decides on the act in collusion with another as well as that someone undertakes or offers to execute it or seeks to incite another to do so.

Inciting rebellion

Incitement to commit a crime can also be punished according to the rules on inciting rebellion and unlawful threat in section 5, chapter 16 of the penal code.

A person who orally, before a crowd or congregation of people, or in a publication distributed or issued for distribution, or in other message to the public, urges or otherwise attempts to entice people to commit a criminal act, evade a civic duty or disobey public authority, shall be sentenced for inciting rebellion to a fine or imprisonment for at most six months. A sentence for inciting rebellion shall also be imposed upon any person who orally before a gathering of members of the armed forces or by other communication with members of the armed forces urges or otherwise attempts to entice them to an act or omission in dereliction of their service duty. If the crime, in view of the fact that the offender attempted to instigate the commission of a serious crime or in view of other circumstances, must be regarded as gross, imprisonment for at most four years shall be imposed.

An English translation of the provision is enclosed in annex 1.

Unlawful threat

Publicly inciting others to commit criminal acts may be regarded as an implicit threat to commit the act.

A person who threatens to commit a criminal act, in such a manner that the nature thereof evokes in the threatened person a serious fear for the safety of his own or someone else's person or property, shall be sentenced for unlawful threat to a fine or imprisonment for at most one year. If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

If an unlawful threat is committed with terrorist intent as defined in the Act on Criminal Responsibility for Terrorist Crimes, the offence is considered a terrorist offence according to this act.

An English translation of the provision is enclosed in annex 1.

Financing of terrorism

Financing of terrorism or attempting to finance terrorism may in some cases be considered an act of incitement to terrorism. Swedish law contains a special legislative act concerned with the financing of terrorism (Act /2002:444/ on Criminal Responsibility for the Financing of Particularly Serious Crime in some cases, etc.) This Act contains provisions for the implementation of the UN International Convention for the Suppression of the Financing of Terrorism.

The act makes it punishable to collect, provide or receive funds or other assets with the intention that they should be used or in the knowledge that they are to be used in order to commit particularly serious crimes, such as terrorist crimes. An attempt to finance terrorism is also punishable. The punishment is imprisonment for at most six years, but if a more severe punishment is proscribed for an act of financing in the Act on Criminal Responsibility for Terrorist Crimes, for example preparation to commit a terrorist offence, the latter provision is applied instead.

An English translation of the act is enclosed in annex 1.

Liability of legal persons

If a legal person commits a terrorist offence or an otherwise punishable act of terrorism under certain circumstances, a penal sanction, corporate fines, can be applied. Corporate fines can amount to a maximum of 10 million SEK.

Confiscation

Property or other instrumentalities that have been used while committing a terrorist offence or while financing terrorism can be confiscated.

Further steps under consideration

Sweden is a signatory to the Council of Europe Convention on the Prevention of Terrorism, which contains several articles on the subject

of incitement to terrorism. Sweden is currently in the process of considering ratification of the convention.

1.2 Measures to deny safe haven

According to the Swedish Act on Special Control in respect of Aliens (1991:572) an alien may be expelled if it is necessary for reasons of national security or if it may be feared, in view of what is known about the alien's previous activities and other circumstances, that he will commit or aid and abet a terrorist offence according to section 2 in the Act on Criminal Responsibility for Terrorist Offences (2003:148) or attempt, prepare or conspire to commit such an offence.

The Act on Special Control in respect of Aliens shall not be applied if the alien can be refused entry or be deported under the provisions of the Aliens Act.

The question of expulsion may only be raised by the National Police Board (Security Services).

The decision may be based on documents or other information which may not distributed to the parties under Chapter 14 Section 5 first paragraph of the Secrecy Act (1980:100). The reasons for this exception from the parties being provided with all information upon which the decision is based, is that secrecy may be necessary due to national security or to the activity of the National Police Board or for protecting an informant.

Last time the Government handled a question of expulsion was during the autumn of 2004. The Government decided that the alien would be expelled. Since there were impediments to the enforcement of the expulsion, the Government ordained that the expulsion was not to be enforced for the time being. Further, the Government ordained that the alien would report to a police authority four times a week and that the special provisions on coercive measures would apply to the alien.

The Government must ordain that an expulsion is not to be enforced for the time being if there are impediments to the enforcement of the expulsion order. Possible impediments are for example the risk of capital punishment, corporal punishment or torture.

1.3 Strengthening security of international borders

Sweden is a member of the European Union and participates in the Schengen cooperation. As a result of this, all border control activities are conducted in accordance with relevant EU and Schengen acquis. Also, development of policies, working methods, analyses, equipment, training etc. forms part of this cooperation.

A few examples of measures contributing to the fight against terrorism are the introduction of biometric features in travel documents, the update of the Schengen Information System (including biometrics), the establishment of the Visa Information System (including biometrics), the establishment of Fado (a database of false and authentic documents) and the agreement on the Schengen Borders Code with common rules on border control. Moreover, the establishment of the European Border Agency has increased the possibilities for coordination between Member States of border control activities and joint operations.

In addition, Sweden has a very fruitful cooperation with the countries in the Baltic Sea region, on strategic as well as operative issues. Last but not least, we are naturally happy to cooperate also on the international level to achieve our common goals.

1.4 International efforts to enhance dialog and broaden understanding among civilizations

Sweden recognizes that combating terrorism requires a multifaceted approach both nationally and internationally. On the international scene, Sweden takes active part in the work to fight socio-economic marginalization, to develop strong democracies and to strengthen human rights and the rule of law.

In 1994, just before Sweden became a Member of the EU, a dialogue project was launched entitled Euro-Islam, that resulted in a special dialogue conference in Stockholm, jointly sponsored by Sweden and Egypt. Guidelines for future action were drawn up, the so called

Stockholm Conclusions. As a member of the EU, Sweden has engaged in the Barcelona Process and also continued with national action.

On the institutional side several measures have been taken. In the year 2000, the Swedish Institute in Alexandria was inaugurated and given the specific task of furthering increased social, cultural and other contacts between Sweden and the Middle East and North Africa. The Institute's mandate includes dialogue between the EU and the Middle East. It should thus be noted that the Institute's activities are geared to foster dialogue with others and not towards the spreading of the Swedish language and culture.

The institute serves both as a forum for Swedish-sponsored dialogue activities, including intracultural dialogues, and as a co-host, together with the Egyptian Alexandria Library, of the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures. This endeavour strengthens the Euro-Mediterranean partnership in social, cultural and other human issues with particular emphasis on the development of human resources and the promotion of understanding among cultures. The Foundation functions as the focal point for 35 national networks and pursues activities mainly to further contacts between representatives of civil society.

A similar institute was created in 2000 in the form of a special centre at the Swedish Consulate-General in Istanbul ("Section for Turkish-Swedish Cooperation"). The centre's particular audience is EU candidate Turkey but its activities also reach much of the Muslim world such as Central Asia.

Pursuit of dialogue also marks much of Sweden's development cooperation efforts. One example is the regional strategy for Sweden's development cooperation with the Middle East and North Africa that was adopted by the Government in the spring of 2006.

Sweden is participating in and supporting a number of activities in the field of intercultural dialogue as part of its membership in the Council of Europe (CoE). At the CoE's summit in Warszaw, 2005, it was decided that continued focus should be put on intercultural dialogue, based on the universal human rights, in order to promote tolerance and prevent conflicts.

Sweden considers it important that intercultural dialogue is an integrated part of the CoE's activities, i.e. protection of human rights, promotion of social cohesion and youth participation encourage tolerance and dialogue. There are three major areas of co-operation with a special focus on the promotion of intercultural dialogue:

The CoE youth campaign "All different – all equal". The aim of the campaign is to promote diversity, human rights and participation. It was launched on the 29th of June in Strasbourg. As part of this, a two-year long Swedish campaign is currently being planned. During the campaign, events will be organized with the aim, among others, of promoting intercultural dialogue and fostering understanding between different religions and cultures.

Sweden is member of the European Centre for Global interdependence and Solidarity. Better known as the North-South Centre, it aims at encouraging awareness of the global interdependence created by globalization and, i.a. through intercultural dialogue, promoting solidarity between Europe and countries south of the Mediterranean and Africa.

At a ministerial meeting on intercultural dialogue that was held in Faro, Portugal, the "Faro Strategy" on intercultural dialogue was adopted. Co-operation regarding intercultural dialogue was also initiated with several other international organisations; UNESCO, ALECSO and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures. It is a Swedish priority to further strengthen CoE's co-operation with the above-mentioned partners, as well as with the EU.

1.5 Steps to counter intolerance and incitement

The Swedish national approach to combating terrorism includes welfare and integration policies, as well as measures in the field of the enhancement of democracy and participation, urban development, education and promotion of cultural diversity, etc.

Today, immigrants form some 15 to 20 % of the Swedish population and many of them are Muslims. How many is unknown, since

registration on the basis of religion is prohibited in Sweden. Between 300.000 and 500.000 out of a total population of roughly nine million, making Islam the second biggest religion in the country. A growing number of Catholics, not least from Latin America, has also been added to the population, as well as much smaller numbers of Orthodox believers, Buddhists and Hindus. There is also a small, partly indigenous, Jewish population. The transformation of Sweden into a more multi-ethnic and multi-religious society has raised awareness that, in particular, relations with the Muslim world must be developed and not least with EU's Mediterranean neighbours.

The Swedish Parliament has highlighted the importance of understanding, and continuous contacts with, the Muslim world. This was manifested in 2006, when an inter-party group of the Foreign Policy Committee wrote a report on relations with the neighbouring Muslim world which was adopted in plenary. The aim of the report is to contribute to the elimination of problems and misunderstandings and the development and improvement of Sweden's relations with that part of the world.

The so called cartoon crisis, while not directly involving Sweden, had important ramifications through the destruction of a Swedish Embassy. In addition to high-level diplomatic contacts with Muslim Governments, the Swedish Government made an extra effort to reach out to the Muslim communities in Sweden by conducting several meetings on this matter with their representatives in addition to on-going contacts over other matters.

The Living History Forum is a Swedish Government organisation commissioned to engage in issues relating to tolerance, democracy and human rights with the Holocaust as a starting-point. The organisation was founded in June 2003 and began its work in 1997, with the launch of a major information campaign on "Living History". The organisation is a knowledge and culture institution with a long-term commitment to practical efforts to deepen our knowledge about crimes against humanity, historically and in our own times. Activities are pursued in co-operation with other organisations, associations, institutions and government bodies. The overall objective is to actively encourage efforts to promote the equality of all mankind.

1.6 Compliance with obligations under international law

Sweden's counterterrorism policy is based on the respect for international law. All measures taken nationally by Sweden in countering terrorism through legislation comply with the Swedish Constitution and Sweden's obligations under international law, in particular international human rights law, refugee law and humanitarian law, and are ultimately subject to judicial review. Furthermore, all enforcement measures taken by Swedish authorities are in accordance with the principle of proportionality and subject to independent review by the Swedish Courts, the Ombudsman of Justice and the Chancellor of Justice.

Stockholm, 14 July 2006